

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephen DiFiore	Team: Squad #7	CCRB Case #: 202000447	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/20/2019 12:20 AM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 1/20/2021	EO SOL 9/6/2021	
Date/Time CV Reported Mon, 11/04/2019 11:09 AM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 11/04/2019 11:09 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Girard Moscato	00663	933067	123 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Arnold Nickey	04112	906933	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Girard Moscato	Abuse: Police Officer Girard Moscato threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Girard Moscato	Abuse: Police Officer Girard Moscato threatened to remove an individual to the hospital.	§ 87(2)(b)

Case Summary

The following complaint was sent to the CCRB via IAB log number 2019-39300 on November 4, 2019.

BWC was received for this case (Board Review 01). The IAB log also referenced BWC linked to what would become four other cases for the same officer. These cases are 201909593, 202000443, 202000450, and 202000452. § 87(2)(g)

On July 20, 2019, PO Girard Moscato, then of the 73rd Precinct in Brooklyn, responded to a report of a man with a gun on the roof of § 87(2)(b) in Brooklyn. PO Moscato responded to the scene, cleared the roof, and did not find anyone on the roof with a gun. At approximately 12:20 a.m., PO Moscato spoke with § 87(2)(b) the one who had called 911, and told § 87(2)(b) and her sister that if they called the police again, he would make them go to the hospital (Allegation A and B: Abuse of Authority, § 87(2)(g))

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Girard Moscato threatened to remove § 87(2)(b) to the hospital.

Allegation (B) Abuse of Authority: Police Officer Girard Moscato threatened to remove an individual to the hospital.

BWC from this incident depicts PO Moscato speaking with two women. In his CCRB statement, PO Moscato identified the woman on the right in a striped shirt as being the caller and identified the woman on the left in a black shirt as the caller's sister (Board Review 02). PO Moscato said he had responded to calls from this woman at least once or twice before regarding a man who was harassing her, but all these calls were unfounded.

PO Moscato also denied that this incident took place at § 87(2)(b), believing that this incident either occurred on Bristol Street or Chester Street, which is a few blocks away. However, the resource recap log lists PO Moscato as being at this location during the timestamp on the BWC (Board Review 03). Additionally, the event summary for the event listed on the RRL is consistent with the type of job that PO Moscato described – a woman with the last name § 87(2)(b) reporting an armed man with an order of protection against him on the roof of a building (Board Review 04). § 87(2)(b)

PO Moscato said during his interview that he “threatened” to take the two women to the hospital. He noted that the caller appeared to be exhibiting symptoms of “stewing,” mental trauma caused by excessive heat. PO Moscato noted that this incident took place in the middle of the summer in a building with no air conditioning and believed it to be over 100 degrees in the apartment. Based on PO Moscato's training as a United States Marine, he believed that the heat was having a negative impact on § 87(2)(b)'s mental state. Additionally, PO Moscato noted that the woman in the striped shirt appeared to be afraid of a person who was not there, which, in addition to many people in the Brownsville area having mental health issues, led PO Moscato to believe that she needed a psychiatric evaluation.

PO Moscato was presented with his BWC at 1:04 when he says, “The next call, you're going to the hospital. Don't call.” During his interview, PO Moscato said that this statement was directed at both women in the video.

Patrol Guide Procedure 221-13 defines an emotionally disturbed person as “A person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others” (Board Review 06).

[illegible]

Civilian and Officer CCRB Histories

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- _____

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- According to the Office of Court Administration, § 87(2)(b) has no conviction history in New York City (Board Review 07).
- As of the date of this report, the Office of the Comptroller's Office has not identified any Notices of Claims relevant to this incident.

Squad No.: 7

Investigator: Stephen DiFiore Inv. Stephen DiFiore 4/2/2020
Signature Print Title & Name Date

Squad Leader: _____

Signature _____

Manager Vanessa Rosen _____

Print Title & Name _____

April 9, 2020 _____

Date _____

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____